



King's Research Portal

DOI:

[10.1007/978-3-319-70211-7](https://doi.org/10.1007/978-3-319-70211-7)

Document Version

Early version, also known as pre-print

[Link to publication record in King's Research Portal](#)

Citation for published version (APA):

Harris, A. (2018). 'Pope Norman', Griffin's Report and Roman Catholic reactions to homosexual law reform, 1954–1971. In M. Chapman, & D. Janes (Eds.), *New Approaches in History and Theology to Same-Sex Love and Desire* (pp. 93-116). (Genders and Sexualities in History). Palgrave Macmillan. <https://doi.org/10.1007/978-3-319-70211-7>

Citing this paper

Please note that where the full-text provided on King's Research Portal is the Author Accepted Manuscript or Post-Print version this may differ from the final Published version. If citing, it is advised that you check and use the publisher's definitive version for pagination, volume/issue, and date of publication details. And where the final published version is provided on the Research Portal, if citing you are again advised to check the publisher's website for any subsequent corrections.

General rights

Copyright and moral rights for the publications made accessible in the Research Portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognize and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the Research Portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the Research Portal

Take down policy

If you believe that this document breaches copyright please contact librarypure@kcl.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.

‘Pope Norman’, Griffin’s Report and Roman Catholic reactions to homosexual law reform, 1954–1971¹

Dr Alana Harris

Lecturer in Modern British History, King’s College London

In 1964 the Conservative MP, barrister and Catholic polemicist Norman St John-Stevas published *Law and Morals* – an exploration of the nexus between religion and law, Church-State relations and religious liberty within a British and American context. Comprised of chapters spanning capital punishment, euthanasia, artificial insemination and sterilization, St John-Stevas’ book also undertook an in-depth exploration of birth control and homosexuality. While yet to reject unequivocally papal teaching on birth control – these forthright condemnations were elicited following the promulgation of the encyclical *Humanae Vitae* in 1968 which reiterated the Vatican’s prohibition on ‘artificial’ contraception² – even here he concluded:

Catholics would be well advised if they treated the morality of birth control as one within the sphere of moral theology, based on the acceptance of the teaching mission of the Church, rather than of natural ethics.³

In another chapter on homosexuality within this same volume, St John-Stevas cited extensively from Derek Sherwin Bailey’s influential biblical exegesis of the Old Testament and the writings of the Church of England Moral Welfare Council,⁴ while also considering the findings of Dr Kinsey and contemporary psychology. The weight of St John-Stevas’ argument for his Catholic readers was, however, directed to what he clearly considered the *definitive* ‘guidance on this problem’.⁵ Addressing the question of whether ‘Catholic moral thought require[d] the maintenance of a legal ban on all forms of homosexual behavior or would it favour the sort of change proposed by the Wolfenden Committee?’,⁶ St John-Stevas outlined the findings of a now little-known Committee appointed by the Archbishop of Westminster which endorsed the distinction between sin and crime in adjudicating the matter. Writing here for an educated English Catholic audience, which was increasingly moving into the middle class and the professions following Butler’s *Education Act* (1944), St John-Stevas was an exemplar and spokesman for a growing and increasingly powerful constituency within post-war English Catholicism seeking to reconcile their faith with modernity and move this religious minority into the mainstream by sloughing off its reactionary, ‘recusant’ and anti-intellectual reputation.⁷ In both these remarkable and erudite expositions on non-reproductive sexuality, this urbane dandy, Oxbridge educated and widely respected ethicist, and prominent Catholic layman sought to reconfigure traditional Catholic teaching with modern medicine and redraw the intersections between law and morality. In doing so, as early as 1958, St John-Stevas was interrogating how Augustinian and Thomistic understandings of ‘natural law’ could retain a place in the ethical decision making of modern English Catholics while

moving, with increasing vehemence after 1968, towards a profound reconfiguration of what this ‘common good’ meant.

This separation of law and morality, and the prioritization of conscience over prior consensus would become more manifest, and indeed highly controversial moving into the 1960s. St John-Stevas’ co-sponsorship of Leo Abse’s *Sexual Offences Act* in 1967⁸ and, the following year, his very public rejection of *Humanae Vitae* on the *Panorama* programme,⁹ within his print journalism (for *The Economist* as well as the *Catholic Herald*) and through best-selling books such *The Agonising Choice* (1971)¹⁰ catapulted the newly elected MP for Chelmsford into the public eye. Both of these high profile interventions, seemingly surprising from an avowedly Christian politician and practicing Catholic critiquing Vatican precepts, turned on a re-examination of non-reproductive sexuality which on the continent would be characterized as a ‘personalist’ theological approach. Inspired by the *nouvelle théologie* which takes lived experience and intersubjectivity as its starting point, personalism was an increasingly prominent moral philosophy rooted in notions of love, personal growth and relational fulfillment.¹¹ A practical example of St John-Stevas’ application of this theological orientation was his speech to the House of Commons on the second reading of the *Sexual Offences Bill* on 11 February 1966:

Celibacy is a high ideal; I certainly subscribe to that. But the fact is that few are capable of it. It requires a degree of religious commitment which is quite rare. We know that a sizeable proportion of the population, through no fault of their own, are attracted sexually only to members of their own sex. This is not a question of diabolical lust. It is a question of misplaced affections and misplaced sexual drives. Some are capable of a degree of self-control, some are capable of a degree of self-sacrifice and sublimation, but most people in this situation are not. This is a fact which we have to face, and in this situation the law must be practical. It is not the function of the law to enforce every virtue or to forbid every vice.

Our rulers and law-givers are not spiritual directors. They are the guardians of the common good. They are the keepers of the peace. The great criticism of the present law is that its extremity drives the whole issue underground and by its blanket condemnation of every form of homosexuality creates precisely those underworld conditions [deplored].¹²

In this impassioned, highly personal and pragmatic intervention, it seems probable that St John-Stevas spoke from a well-informed perspective and, mostly likely, personal experience of the ‘incidences of human suffering’ caused through this law.¹³ His stance two years later on the Pope’s ban on the use of ‘the pill’, and his reflections on the sufferings of heterosexual couples embracing marital sexuality and seeking to avoid unfettered childbearing also drew the ire of Catholic traditionalists, who maligned him as ‘Pope Norman’.¹⁴ This chapter therefore seeks to illuminate the unappreciated but pivotal part played by this flamboyant, liberal, though far from radical Catholic in shaping discourses on morality and sexual ethics within

parliamentary and confessional circles in the 1950s and 60s. While previous discussions of ‘permissiveness’ have tended to focus on the Hart-Devlin debate (i.e. the famous jurisprudential disagreement between two legal academics about the relationship between law and morality),¹⁵ attention to the theology, politics and jurisprudence of Norman St John-Stevás illuminates the ways in which another opinion-leading progressive and controversial intellectual was engaging with the moral dilemmas of the day and reaching philosophically innovative as well as pragmatic conclusions.

This chapter explores Roman Catholic reactions to homosexual law reform from the time of the Wolfenden Report through to the passing of the *Sexual Offences Act* (1967). Following St John-Stevás’ lead in *Law and Morals*, it will commence by examining the nature of and reactions to the largely forgotten (perhaps even quietly buried) Catholic Commission to the Wolfenden Inquiry – a learned and progressive report by Catholic clerics and medical experts that endorsed the position of the reformers in advocating the separation of sin from criminality. While mentioned very briefly within Matthew Grimley’s exploration of the Church of England’s contribution to the Wolfenden Report,¹⁶ bundled into partisan commentary on the role of religious bodies in Higgins’ trenchant study,¹⁷ and reproduced in a short extract in Lewis’ recent monograph,¹⁸ the composition, operation and recommendations of this Catholic Committee have not been subject to any sustained scholarly analysis. This historiographical absence is quite extraordinary given that the Catholic Committee was the only other religious body, alongside the Anglican Moral Welfare Council, to submit evidence and, in the opinion of its Chairman, ‘the Catholic Memorandum was by far the clearest statement that had yet been submitted on the subject’.¹⁹ Contemporaries clearly knew about and discussed the report, and in a radio broadcast on 22 September 1957, Sir John Wolfenden ‘paid a special tribute to the contribution which the Catholic authorities had made to the problem of homosexuality’ and the assistance provided by its submission in his Committee’s deliberations.²⁰ This neglect must therefore be explained by a general historical amnesia surrounding the intersections of religion with modern British politics and the evolution of discourses of sexuality²¹ such that, as Grimley ruefully puts it, ‘to argue that institutions (especially religious ones) could themselves have been agents of permissiveness has been too counter-cultural for some tastes.’²² Moreover, following a clear retrenchment from its findings under Cardinal Godfrey (who assumed the see of Westminster in December 1956), it is also clear that within internal church circles there was a concerted attempt to mute and mitigate the legacy of the report, whilst not disavowing it completely. In reconstructing, where possible, the operations of this Committee, we are able to view a moment in which the Roman Catholic church made a palpable and positive contribution to the postwar reconstruction agenda. Moreover, this civic engagement also illuminates the growing capacity and confidence of the Catholic laity to formulate new theological positions and interrogate traditional teachings, which ultimately culminated in the dissonance and discontent of the sixties surrounding church authority and sexual ethics.²³ As a forerunner of, and later spokesman for this

loyal dissent during the years of the Second Vatican Council and its aftermath, Norman St-John Stevas' perspectives on homosexuality offers another lens through which to situate broader liberal Catholic thinking on love and sex. Moving beyond the Hart-Devlin debate which, for many, epitomizes the debates around secularization and permissiveness leading into the 1960s, St John-Stevas' renderings of the relationship between religion and law in a liberal, plural society offer an alternative vision of the place of religion in politics in the 'long 1950s'.

The Catholic Memorandum on Homosexuality: a contradiction in terms?

In view of the English Catholic hierarchy's recent opposition to the terms of the *Equality Act* in 2007, and continuing resistance to gay marriage,²⁴ it might seem counterintuitive that in the public enquiry leading up to the Wolfenden Report in 1957, an official submission from the Catholic church supported liberalization and compassion – through the use of sexology and psychological medicine – to address 'the problem of homosexual offences in relation to the law.'²⁵ So how did this Catholic Commission come to be convened, who served on it, and why has it been obliterated from the historical (and ecclesiastical) record?

Contained within a detailed briefing note on the Commission to the Bishops' Conference in 1958, the recently elevated Archbishop of Westminster, William Godfrey, sought to outline to other members of the episcopacy the circumstances surrounding Catholic involvement in the Wolfenden Report.²⁶ It is clear that such an explanatory document was elicited as a defense against press interest in Catholic endorsement of decriminalization,²⁷ as well as determined by clear differences in personal temperament, theological stance and leadership approaches between the present incumbent and his predecessor.²⁸ As this *ex post facto* memo related, there was an initial request from the Home Secretary, David Maxwell Fyfe, seeking to appoint a Catholic onto the Departmental Committee of Inquiry into Prostitution and Homosexual Offences which resulted in the Marquess of Lothian's membership and, by coincidence, the enlistment of Mr William Wells MP, a Queen's Counsel, who also happened to be a Catholic.²⁹ A personal visit to Cardinal Griffin after the Committee had convened was then arranged to request evidence from a specifically Catholic perspective and, in response, the Archbishop invited the Chaplain of the University of London, Monsignor George Tomlinson, to form a small committee in December 1954.³⁰ This resulted in the formation of an advisory body comprised of mostly middle class, professional laymen and women to explore a contentious and complex medico-moral issue. This was a largely unprecedented initiative in the pre-conciliar English Catholic church, though broadly in line with Cardinal Griffin's civic commitments manifested in wartime,³¹ and initiatives such as the Catholic Marriage Advisory Council which offered (within bounds) policy advice on marital relationships, sex education and family planning.³² Convened from January 1955, the advisory body met fortnightly over six months³³ and was comprised of Father John McDonald (Professor of Moral Theology at St Edmund's College), Father John Preedy (a parish priest of Englefield Green), Miss Bernice McFie (a pioneering

psychiatric social worker working in London County Council hospitals), Miss C. M. Jenner (a probation officer), Dr Eric Strauss (President of the British Psychological Association, and one of Britain's leading neurologists)³⁴ and Mr Richard Elwes QC (a Recorder in Nottingham, and a Wolfenden witness in a personal capacity, who denounced police malpractice in the investigation and prosecution of homosexual offences in Derbyshire).³⁵

Despite assiduous efforts to trace the workings of the so-called Griffin Committee – chiefly the position papers it prepared (after a reported but lost initial summary of Catholic moral teaching and papal statements prepared by Fr John McDonald)³⁶ – all investigations have been in vain. The historical record will not, therefore, allow a detailed interrogation of the nature of its deliberations and the submission drafting process. Records are, extraordinarily, missing from Cardinal Griffin's files at the Westminster Diocesan Archive and Monsignor Tomlinson's papers were not kept by the University of London chaplaincy. It is also highly curious, as Brian Lewis notes,³⁷ that material surrounding the Catholic submission is not present within the Wolfenden files at the National Archives. Fortunately, however, at the suggestion of the Home Office which was 'enthusiastic about this evidence',³⁸ the Committee's submission was printed in its entirety in the 1956 Summer edition of *The Dublin Review*³⁹ – an intellectual Catholic quarterly, published in London and under the editorship of the eminent historian and member of the wartime Moot, Christopher Dawson.⁴⁰ Contained within a special issue entitled 'Crime and Punishment' and accompanied by an editorial considering possible analogies between the sacrament of penance and criminal punishment,⁴¹ the report was preceded by an article on 'Obscenity, Literature and the Law' by Norman St John-Stevás.⁴² Indeed, it is quite possible that St-John Stevas edited this special issue in its entirety and, as is clear from his chapter in *Law and Morals*, he was intimately familiar with this Catholic Committee and the terms of its submission.

So what was the 'Catholic position' that this submission put forward? Section one of the position paper opened with a brief survey of the 'Catholic Teaching on Homosexual Offences' and considered, in pithy terms, the relationship between original sin, the subconscious, and habituation into virtue.⁴³ It concluded that 'notwithstanding these strong tendencies ... [and] whilst every sympathy must be shown towards homosexual persons, such persons must not be led to believe that they are doing no wrong when they commit homosexual acts.'⁴⁴ After this quite cursory survey of the Tradition (which was markedly non-biblical in its framing), the report concisely stated: 'crime as such is a social concept not a moral one and therefore is a problem to be tackled by the State with the assistance of its specialists in jurisprudence and psychiatry. Sin as such is not the concern of the State but affects the relationship between the soul and God.'⁴⁵ So here, curiously and emphatically, we have a Catholic restatement (and endorsement) of the distinction between crime and sin, public and private, famously articulated by the Wolfenden Report. As Matthew Grimley has astutely observed of the Anglican report, but in terms equally applicable

to Griffin's Committee, 'on the question of homosexuality, the Church was a pioneering body in advocating reform, and was well in advance of public opinion on this question, something which caused it problems.'⁴⁶

Reflecting the world-class psychological expertise gathered under Tomlinson's chairmanship, the report in Section two included an illuminating summary of various views existing on 'sex inversion' and distinguished those from the Freudian and Adlerian schools of psychology in their taxonomies of 'homosexuality'. In a focused and forthright conclusion the submission, characterized by its concision, curtly recommended 'the existing law does not effectively distinguish between sin, which is a matter of private morals, and crime, which is an offence against the State, having anti-social consequences.'⁴⁷ Echoing the Church of England Moral Welfare Council in *its* reasoning that 'it is not the function of the state and the law to constitute themselves the guardians of private morality, and that to deal with sin as such belongs to the province of the Church',⁴⁸ the Catholic report was otherwise markedly different in style, tone and content from the Anglican one. The Church of England's report, with its extended explanation of the 'causes' of homosexuality, its differentiation between condition and conduct, and its consideration of 'ruthless lesbian[s]' and the 'paederast' adopted a more discursive methodology and veered into partisan but fashionable sociological analysis of family breakdown and abnormal maternal attachment in its conclusion that "'society gets the homosexuals its deserves"''.⁴⁹

Cardinal Bernard Griffin died on 19 August 1956, having sanctioned the Committee's submission but unable, thereafter, to endorse explicitly its findings nor explain its conclusions with the release of the Wolfenden Report itself in September 1957. His successor was of a markedly more conservative and cautious temperament, and it is only through his episcopal papers – which are focused on the 'public relations' issues generated – that what little is known of the Commission survives. Nevertheless, following the publication of the submission in the *Dublin Review*, and a brief commentary in *Theological Studies*,⁵⁰ there were concentrated and conflicted comments in the intellectual Catholic weekly *The Tablet*. This was generated by Leo Gradwell's analysis in December 1956, which praised the report's 'firm foundations and ...[remarkable] clarity of expression' but feared that in advocating repeal it might 'be regarded as a homosexual's charter'.⁵¹ This generated a lively 'letters to the editor' correspondence, initially from a London-based, anonymous Temple 'Barrister' who demurred that in this 'largely pagan [age]' 'if the Law is not to attempt a restraining hand' on 'private sin between males', 'who is?'.⁵² An immediate rejoinder followed from Committee-member Richard Elwes, who contested Gradwell's characterization of the criminal offence as a 'dead letter' and the 'homosexual blackmailer' as 'a quarter myth'.⁵³ He moreover dismissed 'A Barrister' for overlooking the distinction between sin and crime applicable in 'every Catholic country' and for choosing *The Tablet* as 'a medium in which to disturb foundations in Christian penology'.⁵⁴ Finally, the correspondence from Elizabeth Abbott of Thaxted

concentrated on the Report's recommendations on prostitution but praised its 'deep and careful consideration of the problems involved' and concluded 'We should all be grateful for this Report: brief, wise and just'.⁵⁵

A more sustained and critical correspondence, however, was elicited by the publication of the Wolfenden Report itself on 4 September 1957, drawn by the media coverage which foregrounded the supportive contribution of the churches, and thereby stimulated commentary from both laity and clergy. This was most pronounced in *The Tablet*, initiated by a lengthy and lucid contribution by Dr Letitia Fairfield – the longstanding (though retired) Chief Medical Officer of the London County Council, a trained lawyer and lifelong public speaker on contraception, venereal disease and prostitution. Entitled 'The Reservations of Mr Adair', Fairfield drew attention to the dissenting report of the distinguished Scottish lawyer who served on the Wolfenden Inquiry to conclude:

One would much prefer to support the Committee's recommendations (who would not rejoice in relieving the distress of men caught in such a wretched dilemma?) but [the reformers have not] ... answered Mr Adair's arguments adequately. It is not, as they suggest, that one fears that the removal of sanctions would "open the flood gates" but that it would allow scandalously corrupting situations to arise, which there would be no means of controlling ... far too many of our fellow citizens cheerfully assume that if a thing isn't expressly forbidden it can't be very wrong.⁵⁶

This criticism, perhaps surprising from a prominent Catholic commentator often considered a progressive, drew a sharp response from Richard Elwes. His eloquent but acerbic intervention accused Dr Fairfield of 'callousness' in view of the disproportionate effect of the law on suicide rates and public shame, while detailing its 'grossly inequitable' and 'ineffectual' operation.⁵⁷ He bluntly concluded: 'Dr. Fairfield's article shows how even a superior and sensitive intelligence can accept what would not be tolerable if we were not accustomed to it' and stressed 'the formidable body of opinion, theological, medical, sociological and legal, which has found expression in this recommendation' including through 'Cardinal Griffin's committee' which should be 'respected as representative of the Catholic body in this country.'⁵⁸ Fairfield's rejoinder was similarly spirited, and opened with a reflection on the Catholic Committee which she acknowledged as an 'authoritative' theological exploration, while maintaining:

Anything further in their report was of course only an expression of the personal opinions of the members. How could it be anything else? The problems of the secular control of homosexuality or prostitution have never even been discussed by Catholics as a body; the attitude of the Church has varied enormously in different countries and different ages, and it is extremely improbable that British Catholics would agree about the legislation [being] desirable. The matter can therefore surely be discussed without imputation of *lese majesty* or disloyalty.⁵⁹

The correspondence between the two rumbled on,⁶⁰ and another London-based correspondent Peter Hay joined the fray to contend 'Injustice is surely more

loathsome than the vague possibility of scandal'.⁶¹ Nevertheless, *The Tablet* in its December editorial agreed with Dr Fairfield on 'the [undesirable] social effects' of decriminalization leading to 'an immediate campaign to get rid of the social disapprobation as well.'⁶² Meanwhile in the more accessible, widely circulating *Catholic Herald*, an editorial entitled 'Sins and their Consequences' considered the Anglican Church Assembly debate on the Wolfenden Report and offered extended comment on (and some endorsement of) the Archbishop of Canterbury's suggestion to weigh the heterosexual offences of fornication and adultery alongside considerations of homosexuality.⁶³ Nevertheless, its leader maintained that the Catholic moral theological position, with its adjudication of the 'natural' and 'unnatural', would still differentiate heterosexual sin from homosexual acts and lead the moralist to adjudicate some breaches of the moral code as 'more' or 'less' grievous.⁶⁴

Behind the scenes, Cardinal Godfrey sought to have conversations with Monsignor Tomlinson and other members of the Committee, with Monsignor Tomlinson asking the permission of his Archbishop to communicate to the other Committee members that 'a relaxation of the law as it stands at present would not be expedient, and that Your Grace will urge members of the Hierarchy who may wish to make public comment upon the findings of the Wolfenden Report to avoid casting discredit upon the representations of the committee approved by the late Cardinal Griffin.'⁶⁵ A letter from Richard Elwes to the Archbishop was less placatory, reasserting an understanding that '[we] were accepted as putting forward the representative Catholic point of view ... And as the legal member of the Cardinal's Committee I begin to feel a little short of clerical support!'⁶⁶ A similarly robust defense of the Committee's conclusions was advanced by Father John McDonald, Professor of Moral Theology at St Edmund's College Ware, assuring the Archbishop that the Catholic submission 'was not prepared in a hurry', and offering a detailed commentary on the Wolfenden Report which he described, under the heading 'General impressions' as 'on the whole a sane and balanced Report taking into account the difficulty of the matter dealt with' and which 'I feel has had an unfair treatment in the Press'.⁶⁷ Elwes would emerge as the most forthright and staunch defender of the legitimacy of this Catholic perspective against clerical critique and press criticism, sparring in the popularist, working-class Catholic weekly, *The Universe* with the East London Franciscan priest Alphonsius Bonner.⁶⁸ Meanwhile on 4 December 1957, the Catholic peer and former Oxford don Viscount Pakenham initiated the first debate on the Wolfenden Report, approaching it from a Christian standpoint in its distinction between crime and sin and advocating (along with eight others who supported reform) that the House should take advantage of this opportunity 'to do the civilised thing'.⁶⁹

These conflicting assessments and public controversies, in which Catholic parliamentarians were involved, forced Cardinal Godfrey to act. On 2 December (two days before the Parliamentary debate), he tried to pre-empt discussion and to clarify

the ‘principles which should be borne in mind when consideration is given to the proposals’.⁷⁰ His statement began with an explanation of its need ‘[i]n view of the enquiries which reached Archbishop’s house following the publication of the Report of the Home Office Departmental Committee’, and proceeded in cautious and legalistic terms to outline the (unchanged) ‘Catholic moral teaching’. In this press statement, the Archbishop of Westminster tacitly retreated from the Catholic Committee’s recommendations, observing that ‘there are certain private acts which have public consequences in so far as they affect the common good’. He concluded by unequivocally restating the moral law that ‘homosexual acts are grievously sinful’. While making it patently clear where *he* thought the balance of probabilities lay, Godfrey said that on the question of ‘fact’ regarding the consequences of legislative change, Catholics were free to make up their own minds about whether law reform would cause ‘worse evils for the common good’ and/or seemingly condone homosexual acts.⁷¹

This pastoral statement quelled but did not definitively settle the matter – there was another bout of correspondence to the editors of *The Tablet* in July 1958 surrounding a conference organized (but cancelled at the last minute, due to predicted poor attendance and unlikely legislative change) at Spode House by the Dominican Cornelius Ernst.⁷² This gathering would have brought together Catholic members of the Wolfenden Committee, and representatives of the Griffin Committee (including Monsignor Tomlinson), to discuss ‘the problem of homosexuality in the context of Catholic theology’ through the lens of ‘moral assimilation’ to new knowledge and developments.⁷³ Cardinal Godfrey also continued to receive correspondence about the ‘horrible, crackers, lunatic’ recommendations of ‘Catholic educated men of committees’,⁷⁴ with other correspondents condemning the Catholic Church’s capitulation to the moral relativism of the ‘Archbishop of Canterbury and Dr Soper’ as well as ‘the Bow Group ... leaning over backwards to show that it is modern-minded and tolerant’.⁷⁵ The author of this last homophobic diatribe was Brigadier R. F. Johnson, who annexed to his letter a speech he had delivered to the Bow Group in late 1958 which acerbically asked: ‘If Wolfenden is to be a plank in the Tory platform, shall we re-name the Primrose League the Pansy League?’⁷⁶ So how did the Bow Group – the oldest Tory think tank founded in 1951 which in its infancy jauntily cut against the mainstream opinion of Conservative Party grandees⁷⁷ – come to form a subject of correspondence to the Archbishop of Westminster? While merely conjecture, a strong explanation lies in the fact that there were several young, prominent Catholics involved in the establishment of this influential discussion group – chiefly two rising stars, William Rees Mogg (later editor of *The Times*) and, prior to his forays into substantive publication on this issue, academic lecturer (King’s College London; Oxford and Yale) and legal adviser to Sir Alan Herbert’s Committee on book censorship (1954-59), Norman St John-Stevan.

‘Pope Norman’, Permissiveness and the Hart-Devlin debate

In January 1959 *Crossbow*, the Bow Group's quarterly publication aimed at young Tories eager for an intellectual alternative to socialist ideology and social-scientific policy, took the theme 'Politics, Morals and Society' and collected together a series of articles under the editorial 'A New Conscience' or how 'Puritanism is more out of favour today than it has been since the Restoration'.⁷⁸ Amongst articles on prostitution, obscene publications, and social services, thirty-year-old St John-Stevas wrote a commentary entitled 'Wolfenden Reconsidered'.⁷⁹ Acknowledging the political acumen of the Home Secretary in not moving beyond what 'the ordinary voter' was prepared, at the moment, to accept, St John-Stevas diagnosed the immediate task of articulate, liberal minded reformers as 'work(ing) to educate public opinion on the subject of homosexuality and so provide a basis for a more Socratic approach than is normally associated with public discussion of moral issues.'⁸⁰ Here, in 'narrowing the gap between educated and general opinion', he identified the church as playing an important part and advocated the pressing need for an 'informed Christian conscience ... [on] the problem of homosexuality.' Outlining to an elite and educated Tory readership the revisionist arguments of Sherwin Bailey about the Sodom story and the 'defective' nature of St Thomas Aquinas' philosophical condemnations in view of modern scientific findings about homosexuality, St John-Stevas concluded:

Christians can thus no longer regard the homosexual state as the result of indulged perversion, but as a disposition which has its own special, although at present obscure part, in the Divine plan.⁸¹

After consideration of the findings of both the Church of England and Roman Catholic submissions to Wolfenden, he pronounced 'Christian morality arises from sources other than positive law and is independent of it. To make the State the source of moral obligation is to subscribe to a dangerous form of totalitarianism.'⁸² Written around the time St John-Stevas completed his doctoral thesis on law and morals at the University of London and met his lifelong companion (the banker Adrian Stanford, whom he tutored in law at Oxford), but well before his election to Parliament,⁸³ the *Crossbow* article was forthright in its plea for greater education and compassion. Nevertheless, at this stage in St John-Stevas' intellectual formation he retained the outlines of a grounding in Catholic 'natural law' theory (and Vatican pronouncements on the 'primary' and 'secondary' ends of marriage), for within this same article he definitively stated:

For the Christian, the sexual act is not only relational but conceptional, and may legitimately be used only within the marriage bond. Accordingly homosexual love, however elevating an experience it may be in individual cases, must not be expressed in sexual acts, nor can homosexual relations ever become institutionalised in a Christian society.⁸⁴

As St John-Stevas' later personal reflections on faith and politics published as *The Two Cities* (1984), makes clear, there was a clear evolution in his moral theology and sexual ethics across the 1950s – most evidenced in his changed opinion on the

need for the sexual act to be ‘relational [*and*] conceptional’. From a hardline position against contraception articulated in a debate he organized at the Cambridge Union in 1950 with the sexologist Norman Haire, and the following year at the University of London Union against Marie Stopes,⁸⁵ St John-Stevas dates his ‘doubts’ about the Catholic position on contraception to his doctoral explorations from 1958 and his ‘attraction to the Anglican position’ from early 1960 which was ‘more theological(ly) ... convincing than that of the Catholic natural lawyers’.⁸⁶ Nevertheless, it was not until 1967 that he first aired these dissenting sentiments at a conference at Georgetown University,⁸⁷ and only after the release of the encyclical *Humanae Vitae* in July 1968 was his *enfant terrible* or saintly reputation, as Christopher Hollis affectionately parodied in *The Spectator*, crystalized.⁸⁸ As for his earlier emphatic pronouncement against ‘institutionalised homosexual relations’, he and Stanford became civil partners in 2009, shortly before St John-Stevas’ death, though in a quiet ceremony that was explained as necessary to avoid death taxes.⁸⁹

Consolidating these reflections on homosexuality into a larger framework, and strengthened by the jurisprudential apparatus of his doctoral explorations, St John-Stevas’ published *Life, Death and the Law: A Study of the Relationship between Law and Christian Morals in the English and American Legal Systems* in 1961. The chapter on homosexuality within this volume expanded upon the perspectives enunciated with clarity in the *Crossbow* article, though here he also outlined the history of English laws on sodomy. Within it, he summarized medical and psychological opinion on homosexuality and, surveying the Christian perspective in which the ‘Anglican viewpoint’ and the ‘Roman Catholic viewpoint’ are commended as ‘useful guides to contemporary Christian thought’. As such, he concluded that ‘contemporary medical knowledge of the state of inversion must also modify traditional Christian views’.⁹⁰ Within this broader exploration of a range of issues encompassing contraception, artificial human insemination and euthanasia, St John-Stevas’ opening chapter offered a philosophical discussion of the shifting boundaries between law and morality and contemporaneous reflections on Church-State relations or, as he terms it, ‘Common ground in the Common Good’.⁹¹ The salience of this intervention in moral-juridical rethinking, which had a contemporaneous impact and wide public reach, has not been thus far recognized.⁹² Instead, existing historical considerations of the redrawing of the public and private spheres through the 1950s and into the age of ‘permissiveness’, such as those by Frank Mort, Adrian Bingham and Cook and Bauer,⁹³ invariably focus on the Hart-Devlin debate – sparked by Sir Patrick Devlin’s Maccabean Lecture in Jurisprudence at the British Academy in 1959.⁹⁴ In Devlin’s enunciation at that gathering, expounded in more detail within his later publication, *The Enforcement of Morals* (1965), the ordinary person’s sense of what was morally unacceptable could justify making conduct a criminal offence and ‘the suppression of vice is as much the law’s business as the suppression of subversive activities’.⁹⁵ As Devlin’s *Oxford Dictionary of National Biography* entry opines, this perspective was grounded in an appreciation of ‘a sort of sub-Christian morality that prevailed in Britain at the time.’⁹⁶ While that biographer does not

continue to so adduce, it might also be added that despite Devlin's 'lapsed' state for much of his life, his Catholic upbringing, his devoutly Catholic extended family circle, and an education steeped in the Ignatian spirituality of the Jesuits at Stonyhurst might also explain his enduring recourse to an Augustinian understanding of the 'earthly city' as echoing (sometimes dimly) a divine order. For commentators since, Devlin's diagnosis of the disgust and revulsion of the 'ordinary Briton' for homosexual acts has made him a symbolic spokesperson for a hidebound conservatism and reactionary Christianity in a post-war and secularizing Britain, so often deemed synonymous with the perspectives of English Catholics.

It is therefore illuminating to juxtapose St John-Stevas' reconfiguration of law and morality, as a practising Catholic, Conservative politician and public polemicist, with Devlin's tacit restatement of Thomistic 'natural law'. As a biographical profile of St John-Stevas in a 1967 edition of *Crossbow* opined:

[his] political views owe much to his Roman Catholicism.

Throughout all of them there is a constant searching for the 'moral consensus' of society (similar to Newman's idea of the 'common possession in society')....⁹⁷

This search for a 'moral consensus', or the synthesis of developments in Catholic theology and the application of natural law in a liberal and religious plural society, is evidenced in *Life, Death and the Law* in which St John-Stevas directly analyzed Devlin's Maccabean Lecture and critiqued the 'comprehensiveness' of his claim that there are 'no theoretical limits set to the State's power to legislate against immorality'.⁹⁸ Here he diagnosed a gap in the argument that i) if society has the right to pass judgment on matters of morals that, ii) it has the right to use the weapon of the law to enforce them. As he adduced: 'the conclusion that society has the right to enforce moral judgments by law does not flow from the premises that it has the right to pass them'.⁹⁹ Invoking Hobbes, he concluded: to follow 'Sir Patrick's principle erects a Leviathan ... [and] leaves no basis of right for Church, conscience and individual liberty'.¹⁰⁰ Instead, St John-Stevas argued that the purpose of the law is 'to make good members of the earthly not the heavenly city',¹⁰¹ and therefore only 'those moral offences which affect the common good are fit subjects for legislation'.¹⁰² As a guide to what constituted the 'common good' (and building but extending upon J. S. Mill's definition of 'common welfare', given his interest in nineteenth-century political thought as a Bagehot scholar),¹⁰³ St John-Stevas identified 'public order and civil peace; the security of the young, the weak, and the inexperienced; [and] the maintenance of the civilized decencies of public behaviour'.¹⁰⁴ Gently disagreeing with the absolutism of the Wolfenden Report, he opined that 'one cannot say arbitrarily that no private act can ever affect the common good' but adduced that the test as to 'whether behavior, public or private, strikes at the common good so gravely that it endangers the fabric of society' is a question of fact and a rational judgment. Here he was drawing a distinction with Devlin's characterization of moral judgments as defined with reference to an emotional reaction.¹⁰⁵ Directly distinguishing his

definition of the ‘common good’ from those of abstract natural law enthusiasts or idealists, St John-Stevas mobilized that touchstone for English Catholics, Newman, to conclude: ‘The pursuit of the common good is not the chase of the absolute, but more often that not the selection of one amongst a number of warring expedients.’¹⁰⁶ Seeking to gloss this further, in the final analysis it should be remembered:

The law is nothing else than the collective conscience of the community on those issues which cannot be left to individual choice. In so far as the community is faithful to the Western and Christian tradition it may reflect higher norms, but the State is not competent to create a moral order through the medium of law ... Its true function is to define, make effective and possibly preserve society’s pre-existent moral views. The law systematized consciences, and to that extent has moral authority, but consciences can err, and the law accordingly cannot guarantee rightness.¹⁰⁷

Like Devlin, an identification of the ‘common good’ also undergirded St John-Stevas’ jurisprudential and moral conclusions but, simultaneously, he viewed the church as an organic body capable of development. Natural law should be modulated through history and rationality (chiefly, in his day, psychology and sexology) and, most importantly (and quoting Newman directly), the believer’s conscience should be acknowledged as the ‘aboriginal Vicar of Christ.’¹⁰⁸ As St John-Stevas explicitly concluded in *Life, Death and the Law*, ‘The Christian lawmaker must constantly scrutinize the data provided by the social sciences, by history, economics, and psychology, to see how theological principles are to be modified into law.’¹⁰⁹ With a characteristic light-hearted flourish he surmised: ‘Good theology is no guarantee of good government; if it were, Catholics would be placed in a nice dilemma by the history of the papal states.’¹¹⁰ In St John-Stevas’ very public stance from 1967 endorsing homosexual reform and advocating the morality of the pill, while vigorously opposing abortion law reform, he would appeal to the theological principle of the *sensus fidei* (or insights of the laity) in justifying his Vatican II-informed pontifications on liberty, the ‘primacy of conscience’ and a personalist morality.¹¹¹ In the wake of the *Humanae Vitae* encyclical in July 1968, many other practicing English Catholics would also adopt their own versions of his pragmatic modifications of natural law through the lens of medicine and the social sciences, and come to similar conclusions about what the ‘common good’ now required.¹¹²

Conclusion

This chapter has explored a spectrum of Catholic reactions to homosexuality in the period from 1954 to 1971, from the submission of Cardinal Griffin’s Catholic Commission to the Wolfenden Inquiry and the conflicted responses that these recommendations for decriminalization elicited from laity, clergy and the episcopacy. It has contrasted these conflicted approaches with an exploration of the jurisprudential and theological attempts of Norman St John-Stevas to forge an updated but nevertheless traditional Catholic position on homosexuality that fused natural law teaching with the insights of biblical exegesis, modern medicine and psychology. As this exposition has illuminated, the attempts of St John-Stevas and the Griffin

Committee to formulate a new compact between religion and law in a liberal and pluralist society within Catholic church circles and wider political discussions were doomed to failure. These were derailed, for a time, by the forces of conservatism within the Roman Catholic church itself and have subsequently been forgotten in accounts of the ‘secularising’ forces of permissiveness that culminated in Leo Abse’s legislation. Nevertheless, as this chapter has endeavoured to illuminate, there is a strong case for re-examining the contribution of religion (including Catholicism) in formulating a new architecture of British sexual subjectivity in the wake of the Second World War. The endorsement of the Wolfenden Inquiry’s recommendations by the Griffin Committee and its extension through the theo-juridical explorations of St John-Stevas demonstrate the ways in which Catholic lay progressives were seeking to remodel understandings of natural law and church teachings on non-procreative sexuality. As such, this chapter contributes to a new recognition of the ways in which mid-twentieth-century Catholicism continued, unexpectedly, to shape discourses of same-sex desire within a broader debates about homosexuality and post-war modernity.¹¹³

¹ I would like to thank Matthew Grimley and Dominic Janes for their insightful reflections and detailed comments on a draft of this paper, and participants at the ‘Histories of Religion and Sexuality’ Conference, University of Nottingham, 24 April 2017, for feedback on an earlier version of this paper.

² E.g. N. St John-Stevas, ‘Why I find the Encyclical Totally Inadequate’, *Catholic Herald*, 2 August 1968, 2; ‘The Real Issue Facing Us Today’, *Catholic*, 5 and ‘Further Thoughts on That Encyclical’, *Catholic Herald*, 16 August 1968, 5.

³ N. St John-Stevas (1964) *Law and Morals* (New York: Hawthorn Books), p. 76.

⁴ St John-Stevas, *Law and Morals*, p. 114. On Sherwin Bailey, see T. W. Jones (2013) *Sexual Politics in the Church of England, 1857-1957* (Oxford: Oxford University Press), pp.162-182 and T. W. Jones (2011) ‘The Stained Glass Closet: Celibacy and Homosexuality in the Church of England to 1955’, 20(1), 132-152, at pp. 146-151.

⁵ St John-Stevas, *Law and Morals*, p.120.

⁶ *Ibid.*

⁷ See generally J. R. Lothian (2009), *The Making and Unmaking of the English Catholic Intellectual Community* (Notre Dame: University of Notre Dame Press) and J. P. Corrin (2013), *Catholic Progressives in England After Vatican II* (Notre Dame: University of Notre Dame Press).

⁸ Hansard, *Sexual Offences Bill*, HC Deb 11 February 1966, vol 724 cc782-874 and *Sexual Offences (No.2) Bill*, HC Deb 19 December 1966, vol 738 cc1068-129.

⁹ ‘On TV and Radio’, *The Universe*, 2 August 1968, 2.

¹⁰ N. St John-Stevas (1971) *The Agonising Choice: Birth Control, Religion and the Law* (London: Eyre and Spottiswoode).

¹¹ See D. L. Christie (1990), *Adequately Considered. An American Perspective on Louis Janssens’ Personalist Morals* (Leuven: Peeters), 12-22.

¹² Hansard, *Sexual Offences Bill*, HC Deb 11 February 1966 vol 724 cc 782-874, at §782.

¹³ *Ibid.*, §845.

¹⁴ E.g. F. P. Smith, ‘“Pope” Norman Questioned’, *Catholic Herald*, 23 August 1968, 5.

¹⁵ L. Hall (2013), *Sex, Gender and Social Change in Britain since 1880* (London: Macmillan), 142-44 and J. Weeks (2007) *The World We Have Won* (London: Routledge), 52-55 and J. Weeks (2007) ‘Wolfenden and Beyond: the Remaking of Homosexual History’, *History and Policy* (<http://www.historyandpolicy.org/policy-papers/papers/wolfenden-and-beyond-the-remaking-of-homosexual-history>).

¹⁶ M. Grimley (2009) ‘Law, Morality and Secularisation: The Church of England and the Wolfenden Report, 1954-1967’, *Journal of Ecclesiastical History* 60(4), 725-41.

¹⁷ P. Higgins (1996) *Heterosexual Dictatorship: Male Homosexuality in Postwar Britain* (London: Fourth Estate).

- ¹⁸ B. Lewis (2016) *Wolfenden's Witnesses: Homosexuality in Postwar Britain* (Basingstoke: Palgrave Macmillan), pp. 242-244
- ¹⁹ Cited in a letter from John F. W. McDonald to Cardinal Godfrey, 10 October 1957, Archives of the Archdiocese of Westminster (hereafter AAW), Box ZZW Godfrey: Correspondence The Wolfenden Report April 1957-October 1958
- ²⁰ Letter from R. Elwes to Cardinal Godfrey, 23 September 1957, AAW Box ZZW.
- ²¹ H. G. Cocks (2006) 'Religion and Spirituality' in H. G. Cocks and M. Houlbrook (eds), *The Modern History of Sexuality* (Basingstoke: Palgrave Macmillan), 157-79; T. W. Jones (2013) 'Postsecular Sex? Secularisation and Religious Change in the History of Sexuality in Britain', *History Compass* 11(11), 918-30 and L. Ramsay (2016) 'The Ambiguities of Christian Sexual Discourse in Post-War Britain: The British Council of Churches and Its Early Moral Welfare Work', *Journal of Religious History*, 40(1), 82-103.
- ²² Grimley, 'Law, Morality and Secularisation', p. 726.
- ²³ A. Harris (2015) 'The writings of querulous women': Contraception, Conscience and Clerical Authority in 1960s Britain', *British Catholic History*, 34(2), 557-585.
- ²⁴ C. Pepinster (2017) *The Keys and the Kingdom* (London: Bloomsbury), pp. 214-5.
- ²⁵ G. Tomlinson (1956) 'Homosexuality, Prostitution and the Law', *Dublin Review*, Summer, p. 64
- ²⁶ See 'Memo to Bishops' Conference, item number 5 Report on Homosexual Offences and Prostitution', AAW Box ZZW.
- ²⁷ E.g. 'Views on the Report', *Daily Telegraph*, 5 September 1957, p.13 and W. Terry, 'Vice Storm Breaking', *Daily Mail*, 5 September 1957, p. 1.
- ²⁸ K. Aspden (2002) *Fortress Church: The English Roman Catholics Bishops and Politics, 1903-63* (Leominster: Gracewing).
- ²⁹ For a discussion of Lord Lothian's involvement in the Committee and his personal perspectives on homosexuality, see R. Davidson and G. Davis (2004), "'A Field for Private Members": The Wolfenden Committee and Scottish Homosexual Law Reform, 1950-67', *Twentieth Century British History* 15(2), 174-201.
- ³⁰ McDonald to Godfrey, AAW Box ZZW.
- ³¹ M. Walsh (1980), *From Sword to Ploughshare: Sword of the Spirit to Catholic Institute for International Relations 1940-80* (London: Catholic Institute for International Relations)
- ³² A. Harris (2014) 'Love Divine and Love Sublime: The Catholic Marriage Advisory Council, the Marriage Guidance Movement and the State', in A. Harris and T. Jones (eds) *Love and Romance in Britain, 1918-1970* (London: Palgrave Macmillan), 188-224 and A. Harris (2018) 'Compelled to breed like an animal'? Sexual Knowledge and British Catholic attitudes to contraception after World War Two', *Journal of Religious History* (forthcoming).
- ³³ McDonald to Godfrey, AAW Box ZZW.
- ³⁴ See K. Walker and E. B. Strauss (1954) *Sexual Disorders in the Male* (London: Cassell).
- ³⁵ Higgins, *Heterosexual Dictatorship*, p. 50. On the different perceptions (and prosecution) of homosexuality across Britain in the 1950s, see H. Smith (2017), 'Working-Class Ideas and Experiences of Sexuality in Twentieth-Century Britain: Regionalism as a Category of Analysis', *Twentieth Century British History*, doi:10.1093/tcbh/hwx019.
- ³⁶ McDonald to Godfrey, AAW Box ZZW.
- ³⁷ Lewis, *Wolfenden's Witnesses*, p. 298, fn 10.
- ³⁸ 'Memo to Bishops' Conference', AAW Box ZZW.
- ³⁹ *Dublin Review*, (1956) No. 471 Summer, pp. 57-65. There was also a report in the *Daily Telegraph*, 1 October 1957 and *Theological Studies*, June 1957.
- ⁴⁰ See W. Kingston, 'Dawson, (Henry) Christopher', *Oxford Dictionary Of National Biography*, (<http://www.oxforddnb.com/view/article/37348?docPos=1>)
- ⁴¹ *Dublin Review*, pp. 2-3.
- ⁴² *Dublin Review*, pp.41-56.
- ⁴³ *Dublin Review*, pp. 60-62.
- ⁴⁴ *Dublin Review*, sections iv and vi, p. 60.
- ⁴⁵ *Dublin Review*, section xi, p. 61.
- ⁴⁶ Grimley, 'Law, Morality and Secularisation', p. 727. See also G. Willett (2009) 'The Church of England and the Origins of Homosexual Law Reform', *Journal of Religious History* 33(4), 418-34.
- ⁴⁷ *Dublin Review*, Part III, section I, p. 64.
- ⁴⁸ Lewis, *Wolfenden's Witnesses*, p. 241.
- ⁴⁹ Lewis, *Wolfenden's Witnesses*, pp. 238-241.

- ⁵⁰ See Editor (1957), 'Current Theology: Notes on Moral Theology', *Theological Studies* 18(2), at 216-48 at pp. 220-1.
- ⁵¹ L. Gradwell, 'The Catholic Report on Homosexuality', *The Tablet*, 1 December 1956, p. 9.
- ⁵² A Barrister, 'Homosexuality and the Law', *The Tablet*, 8 December 1956, p. 26.
- ⁵³ R. Elwes, 'Homosexuality and the Law', *The Tablet*, 15 December 1956, 18.
- ⁵⁴ *Ibid.*
- ⁵⁵ E. Abbott, 'Prostitution and the Law', *The Tablet*, 29 December 1956, p. 12.
- ⁵⁶ L. Fairfield, 'The Reservations of Mr Adair', *The Tablet*, 14 September 1957, p. 4.
- ⁵⁷ R. Elwes, 'The Wolfenden Report', *The Tablet*, 21 September 1957, p. 18.
- ⁵⁸ R. Elwes, 'The Wolfenden Report' *The Tablet*, 21 September 1957, p. 18.
- ⁵⁹ L. Fairfield, 'The Wolfenden Report', *The Tablet*, 28 September 1957, p. 17.
- ⁶⁰ R. Elwes, 'The Wolfenden Report' *The Tablet*, 12 October 1957, p. 19.
- ⁶¹ P. Hay, 'The Wolfenden Report', *The Tablet*, 26 October 1957, p. 18.
- ⁶² Editorial, 'The Social Effects', *The Tablet*, 14 December 1957, p. 3.
- ⁶³ Editorial, 'Sins and their Consequences', *Catholic Herald*, 22 November 1957, p. 4.
- ⁶⁴ *Ibid.*
- ⁶⁵ Letter from G. Tomlinson to Cardinal Godfrey, 11 October 1957, AAW Box ZZW.
- ⁶⁶ Letter from R. Elwes to Cardinal Godfrey, 23 September 1957, AAW Box ZZW.
- ⁶⁷ McDonald to Godfrey, AAW Box ZZW.
- ⁶⁸ A. Bonnar, 'The Wolfenden Report: What are We to Think?', *The Universe*, 13 September 1957, p. 6; R. Elwes, 'Wolfenden report: Q. C. takes issue with Fr A. Bonner', *The Universe*, 20 September 1957, p. 7; A. Bonnar, 'Letters to: Wolfenden Report', *The Universe*, 27 September 1957, p. 10.
- ⁶⁹ A. Grey (2011) *Quest for Justice: Towards Homosexual Emancipation* (London: Chatto and Windus), p. 25 and P. Stanford (2006) *The Outcast's Outcast: A Biography of Lord Longford* (London: The History Press).
- ⁷⁰ W. Godfrey, 'Statement', 2 December 1957, AAW Box ZZW, also published in 'The Wolfenden Report', *The Tablet*, 7 December 1957, p. 26.
- ⁷¹ W. Godfrey, 'Statement', 2 December 1957, AAW Box ZZW.
- ⁷² Outlining his position on legal reform (to be considered at the Spode House gathering), and speaking for the 'anxieties, fears and indignation of a great number of people', the eminent lawyer Richard O'Sullivan drew upon historical jurisprudence in his lengthy letter to *The Tablet*, 19 July 1958 p. 18.
- ⁷³ Cornelius Ernst, 'The Wolfenden Report', *The Tablet*, 26 July 1958, p.18. For the list of speakers, see 'News Notes and Texts', *The Tablet*, 5 July 1958, p. 20 (Marquis of Lothian, Dr Strauss, Miss Jenner, William Wells QC and Fr Gilby OP).
- ⁷⁴ Letter, Mr W. Dougherty to Cardinal Godfrey, 15 December 1957, AAW Box ZZW.
- ⁷⁵ Letter, R. F. Johnson o Cardinal Godfrey, 28 January 1959, para 8, AAW Box ZZW.
- ⁷⁶ *Ibid.*
- ⁷⁷ James Barr (2001), *The Bow Group: A History* (London: Politico Publishing).
- ⁷⁸ Crossbow: Quarterly Journal of Politics, New Year 1959 (Conservative Party Archives (hereafter CPA) Bodleian Library, University of Oxford, CPS Newsletters & Periodicals, 1957-1999, Crossbow, 1957-1999, PUB 195/1).
- ⁷⁹ Norman St John-Stevas, 'Wolfenden Reconsidered', *Crossbow*, New Year 1959, p.12 (CPA, Pub 195/1).
- ⁸⁰ *Ibid.*
- ⁸¹ *Ibid.*, p. 13
- ⁸² *Ibid.* Reinforcing this line of reasoning (through the analogy of Knox and Savonarola), see Editorial, 'For and Against the Wolfenden Report', *Daily Telegraph*, 9 September 1957, p. 8.
- ⁸³ D. Kavanagh, 'Stevas, Norman Antony Francis St John-', *Oxford Dictionary of National Biography* (<http://www.oxforddnb.com/view/article/104855>).
- ⁸⁴ St John-Stevas, 'Wolfenden Reconsidered', p.13.
- ⁸⁵ N. St John-Stevas (1984), *The Two Cities* (London: Faber and Faber), p. 28, fn 18.
- ⁸⁶ *Ibid.*, pp. 26-27.
- ⁸⁷ *Ibid.*
- ⁸⁸ See C. Hollis, 'Norman Conquest', *The Spectator*, 30 May 1969.
- ⁸⁹ D. Kavanagh, 'Stevas, Norman Antony Francis St John-', *Oxford Dictionary of National Biography* (<http://www.oxforddnb.com/view/article/104855>).
- ⁹⁰ N. St John-Stevas (1961) *Life, Death and the Law: A Study in the Relationship Between Law and Christian Morals in the English and American Legal Systems* (London: Eyre and Spottiswoode), pp. 222-225.

⁹¹ *Ibid.*, p. 34.

⁹² On other Catholic perspectives and interventions, see Thomas Gilby, 'The Criminalisation of Sin', *Blackfriars*, XLI: 53 (1960), 57 and Richard O'Sullivan whose extended works are cited in St John-Stevas, *Life, Death and Law*, p. 41, fn.2.

⁹³ F. Mort (1999) 'Mapping Sexual London: the Wolfenden Committee on Sexual Offences', *New Formations*, xxxvii (Spring), 92-113; A. Bingham, *Family Newspapers? Sex, Private Life, and the British Popular Press, 1918-1980* (Oxford: Oxford University Press); M. Cook and H. Bauer (eds)(2012), *Rethinking Sexuality in the Post-war Years* (Basingstoke: Palgrave Macmillan)

⁹⁴ P. Cane (2006) 'Taking Law Seriously: Starting Points of the Hart/Devlin Debate', *The Journal of Ethics*, 10(1-2), 21-51 and G. Bassham (2012) 'Legislating Morality: Scoring the Hart-Devlin Debate after Fifty Years', *Ratio Juris*, 25(2), 117-132.

⁹⁵ P. Devlin (1968), *The Enforcement of Morals* (Oxford: Oxford Paperbacks), p. ?

⁹⁶ Tony Honoré, 'Devlin, Patrick Arthur', *Oxford Dictionary of National Biography*, (<http://www.oxforddnb.com/view/article/50969?docPos=1>)

⁹⁷ *Crossbow*, July –Sept 1967 pp. 12-13. CPA, Pub 195/5. On St John-Stevas' definition of a 'secular society', see *The Two Cities*, p.135.

⁹⁸ St John-Stevas, *Life, Death and Law*, pp.35-6.

⁹⁹ *Ibid.*, 36

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*, p. 37.

¹⁰² *Ibid.*

¹⁰³ See N. St John-Stevas (1959) *Walter Bagehot. A Study of his life and thought together with a selection from his political writings* (London: Eyre and Spottiswoode) and N. St John-Stevas (ed) (1966), *The Collected Works of Walter Bagehot* (London: The Economist), 15 volumes.

¹⁰⁴ *Ibid.*, p. 38.

¹⁰⁵ *Ibid.*, p. 43.

¹⁰⁶ *Ibid.*, p. 40.

¹⁰⁷ *Ibid.*

¹⁰⁸ St John Stevas, *The Two Cities*, pp. 22-3.

¹⁰⁹ St John-Stevas, *Life, Death and Law*, p. 46

¹¹⁰ *Ibid.*

¹¹¹ In his engagement with J. S. Mill, and prioritization of liberty, perhaps a comparison to H. L. A. Hart would also be fruitful – see St John-Stevas, *The Two Cities*, p. 171.

¹¹² See A. Harris (2018) '“A Galileo-crisis not a Luther crisis”: English Catholics' correspondence on *Humanae Vitae* and changing attitudes to Contraception' in A. Harris (ed) *The Schism of 68: Catholicism, Contraception and HV in Europe 1945-1975* (Basingstoke: Palgrave Macmillan).

¹¹³ On the creative intersections between Catholicism and same-sex desire in Victorian Britain, see F. Roden (1998) *Same-Sex Desire in Victorian Religious Culture* (Basingstoke: Palgrave Macmillan) and L. Doan (2004) 'Sappho's Apotheosis? Radclyffe Hall's Queer Kinship with the Watchdogs of the Lord', *Sexuality and Culture* 8(2), 80-106.